

MINUTES  
CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
JANUARY 7, 2003  
7:00 P.M.

1. Mayor Wood declared a quorum present, and called the meeting to order at 7:00 p.m., Flag Salute and Invocation was given by Pastor Mark Crow, from Victory Christian Church.

ROLL CALL

Mayor Chris Wood  
Vice-Mayor Justin Frisbie  
Councilman Barry Curl  
Councilman Garry Stephens  
Councilman Greg Hayes  
Councilman J.M. Morales  
Councilman Walter Johnson  
Councilman Bob Wehba  
Councilman Tommy Pike

DEPARTMENT HEADS & CONSULTANTS PRESENT

Pamela McDowell-Ramirez, Purchasing Clerk  
Bob Cunningham, Fire Chief  
Roger Patty, Police Chief  
Mike Turman, City Inspector  
Robert Beasley, Asst. City Inspector  
Wiley Rice, City Planner  
Attorney, Dave Shumake

2. Presentation of Twenty Five (25) year pins to Judge Larry Cassil, Councilman Barry Curl, Councilman J.M. Morales, City Planner Wiley Rice, and Fire Chief Bob Cunningham.

Tabled until the February 4, 2003 Regular City Council Meeting.

3. Presentation by Beth Patterson regarding the Retired Senior Volunteer Program.

Beth Patterson addressed the Council about the Retired Senior Volunteer Program. About 50 of their volunteers reside in Warr Acres. The services range from providing rides for senior citizens to doctors appointments to calling on seniors to check their well being. She presented the city with a mock check in the amount of \$132,110.00 representing the amount of money that would have been paid in salaries if it had not been for the Volunteer Program.

4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #3.

A. Approval of Minutes – Regular City Council Meeting December 3, 2002  
Special City Council Meeting October 10, 2002

B. Report of Expenditures –General Fund	\$83,019.24
Street & Alley	\$ 9,054.82

Reserve Capital Replace. \$ 7,349.36

- C. Approval of Proposed Expenditures for January 2003. \*\*\*
- D. Approval to re-invest maturing C-D's at best possible interest rate.
- E. Report on Planning Commission minutes for December 2002. \*\*\*
- F. Approval of Audit Engagement Contract with Crawford & Associates, P.C. for FY2002-2003.
- G. Approval of Transfer of Appropriations for FY 2002-2003.

Councilman Pike requested items A, B, C and F be removed for discussion. Councilman Johnson requested item G be removed for discussion.

Motion by Curl, second by Wehba to approve items D and E of the consent docket.

"Yeas" Frisbie, Curl, Stephens, Hayes, Morales, Johnson, Wehba, Pike and Wood.  
"Nays" none.

Motion passed unanimously.

- 5. Discussion and action on items removed from the consent docket.

4-A Councilman Pike stated that he did step out of the meeting at 9:04pm but he returned at 9:10pm and the minutes needed to be amended to show his return.

Motion by Morales, second by Wehba to approve item A with amending the minutes showing Councilman Pike's return at 9:10pm of the consent docket.

"Yeas" Frisbie, Curl, Stephens, Hayes, Morales, Johnson, Wehba, Pike and Wood.  
"Nays" none.

Motion passed unanimously.

4-B Councilman Morales questioned the high cost of Cox internet service and if the city had to pay for flu shots.

4-C Councilman Pike stated it appeared to him that with the decrease in revenue the city was going into the red fast.

Motion by Morales, second by Pike to approve item B & C of the consent docket.

"Yeas" Frisbie, Curl, Stephens, Hayes, Morales, Johnson, Wehba, Pike and Wood.  
"Nays" none.

Motion passed unanimously.

No action taken on items F and G.

- 6. Reports from Staff. Police, Fire, City Clerk, City Inspector, Street, Sanitation Sewer and City Engineer.

Wood: Police Chief, do you have anything to add to your report?

Chief Patty: No, sir.

CW: Fire Chief?

BC: There's been some articles written by Gregory Potts by the Daily Oklahoman and they've been popping up and he's been mentioning my name here lately and I would like to draw your attention to this last article that came out in yesterday's paper, and in the third paragraph it says that I was unavailable for comment, and that is absolutely untrue. I was available for comment; he simply did not try to contact me. I was at the fire station until mid-afternoon at which time I went home and I was at home until Saturday afternoon. And, uh, Mr. Potts has my cell number, he has my pager number, he has my home phone number, he has the number to my attorney's home, and he simply did not try to contact us and that is untrue. Another thing that he mentioned, about Mayor, uh, he quoted you as saying that the employment of a firefighter would be just a formality that is not true. We have a volunteer who has been working and the only thing that we're, that is holding us up in putting him on as a full-time paid firefighter is the signature from you, on the pay status form that you've had for over a week.

CW: Alright, like this one right here.

BC: Yes

CW: Were you've indicated that he has been hired?

BC: He was hired

CW: And you indicated to him he was hired to be part of your department personnel didn't you?

BC: He was, he's hired, pending you signature Mayor.

CW: He worked January 1<sup>st</sup> a full shift didn't he?

BC: Yes he did.

CW: Thinking that he was hired, right?

BC: Pending your signature Mayor.

CW: I could have sworn we have a hiring freeze

BC: I cannot, he can't go on, he can't go on as a full-time, fire, without that signature

CW: That's right and so I

BC: Any how you failed, you simply would not sign it

CW: Your absolutely right I wouldn't sign it because the Council directed a hiring freeze for the entire city and I asked for a Police, Fire, Public Safety exception, and I didn't get it, there's a hiring freeze, and yet you hired this guy, and he quit his other job comes to work here, and yea that created a problem for us, but I'm hopeful that we can get the hiring freeze lifted so we can hire him

BC: He's not a paid employee

CW: He thought he was

BC: He's not a paid employee; he can't be a paid employee until you sign that, that, that pay status

CW: Oh I understand that but I also understood there was a hiring freeze, so I think, the question would be why did you tell the guy he was hired pending my approval when there was a hiring freeze

BC: The contract with the firefighters, states that there is 15 positions in the fire department, that is not, you would have to change the contract, you would have to change the contract in order to change that

CW: I don't know, but there is a hiring freeze, and I asked for approval for an exemption for fire and did not get it, why don't we address this when we get to the hiring freeze

Mr. Barrett stated he had received information concerning the lake at the Pines and a sewer line issue that he would be checking into and sending a memo to the city.

Councilman Wehba requested that the Inspector obtain an estimate for the Council with reference to a letter sent to Mrs. Miers.

7. Public Hearing and action concerning Special Use Permit (19.54.010) for Victory Christian Church. \*\*\*

It was decided before any discussion was started that the Council needed to make clear what would be needed to overturn the Planning Commissions recommendation. Dave Shumake stated it was his opinion and best advice that what was needed was only a simple majority.

Planning Commission Chairman Carter addressed the Council explaining the reasons for the Planning Commissions decision. Inspector Turman stated all plans have been turned in and the applicant meets all requirements. Mr. Barrett stated all changes have been addressed and changed. The traffic study was completed and looks good. Chief Cunningham and Chief Patty each had no problems with the application. Mr. Rice stated the use of the property is what matters. In the future it could become a school but not much chance of anything else. Mr. Box, attorney for the applicant, stated that all the issues could be worked out. Councilman Stephens asked Mr. Box if there was really any way the city could legally stop them. Mr. Box stated "no". Mr. Butler from Traffic Engineering Services explained how the traffic study was conducted and the outcome of the study did not show a great change in the amount of traffic with the addition to the church. Many members of the church spoke in favor of the expansion. Several of the members live in Warr Acres. There were neighbors of the church who spoke on their concerns, from standing water in the retention pond, continued growth of the church and possible extended parking area at a later date, traffic, lighting and fencing. The one major concern was the issue of traffic on the neighborhood streets of 42<sup>nd</sup>, Grove and 45<sup>th</sup>.

Councilman Pike stepped out at 8:26pm and returned at 8:32pm.

Councilman Hayes stepped out at 9:26pm and returned at 9:29pm.

There was a 13 minute recess from 9:32pm to 9:55pm.

Motion by Curl, second by Frisbie to close the public hearing.

“Yeas” Frisbie, Curl, Stephens, Hayes, Morales, Johnson, Wehba, Pike and Wood.

“Nays” none.

Motion passed unanimously.

There are specific requirements and conditions the Council wants included in the Special Use Permit. Some of these requirements and conditions are light shields, sight proof fence, access to Grove and moving the R-1 zoning to the east edge of the current building so that the entire new building will be in R-1 zoning. These will be worked out and in writing for a special meeting.

Motion by Wehba, second by Frisbie to table.

“Yeas” Frisbie, Curl, Stephens, Morales, Wehba, and Wood.

“Nays” Hayes, Johnson and Pike.

Motion passed.

This item will be heard on Monday, January 13, 2003 at 7:00pm.

20. Questions and Comments from Warr Acres Residents.

Mrs. Harl asked the Council if the flyer she had received on her door was correct in stating the city could be annexed without the vote of the citizens. She was told this was not true.

Jessie Simmons stated that the flyer, which he sent out, did have correct information and that anyone could go to city hall and request the information.

8. Public Hearing and action concerning Special Use Permit (19.54.010) for Church of the Savior, located 5600 NW 63<sup>rd</sup> Street. Agent/applicant Mr. Pickle.

Motion by Pike, second by Wehba to close the public hearing.

“Yeas” Frisbie, Curl, Stephens, Hayes, Morales, Johnson, Wehba, Pike and Wood.

“Nays” none.

Motion passed.

Motion by Stephens, second by Morales to approve the Special Use Permit for Church of the Savior, with a request for the storage/accessory building to be painted.

“Yeas” Frisbie, Curl, Stephens, Hayes, Morales, Johnson, Wehba, Pike and Wood.

“Nays” none.

Motion passed.

9. Discussion and action on the Ann Arbor Project NW 39<sup>th</sup> to NW 50<sup>th</sup> Street. (Wehba)

Mr. Barrett stated that there has been no relocation of lines by Southwestern Bell or OG&E in the last 30 days. Nearly half of the water lines will not need to be relocated and OKC was checking on others.

10. Discussion and action on the MacArthur Street Project with Association of Central Oklahoma Governments.

No action taken.

11. Discussion and action regarding Resolution No. 381 A Resolution of The City Council of the City Warr Acres, Oklahoma Supporting the Closing Of 72<sup>nd</sup> and Edenborough in OKC. \*\*\*

Motion by Curl, second by Frisbie to approve Resolution No. 381 with the wording changed to read 7200 block not 72<sup>nd</sup> Street.

“Yeas” Frisbie, Curl, Stephens, Hayes, Morales, Johnson, Wehba and Wood.  
“Nays” Pike.

Motion passed.

12. Discussion and action to lift hiring freeze to hire a fireman to replace Morris Card who retired on December 31, 2002.

CW: Previously this evening the Fire Chief indicated that our contract required us to do that and despite the fact that I want another fireman, the contract does not require us to maintain a minimum manning. Under the management rights we are in total control of that. Furthermore, under section, article 19 we can lay people off, we can, we have total control of that it is just that if we hire somebody back we have to, to do it the other way, so there is no requirement it is totally up to the council.

JM: I make a motion that we table this until after the budget meeting.

GS: second, I want to see where we are, before we make any

BC: Uh, there's an issue of overtime, you know we are working short handed and there's a guy trained and ready to take that job and

JM: but Bob

BC: and, uh you know uh, I whenever manning gets down I have to pay one of my full-time guys time and a half, so its up to you guys

JM: but, Bob you've got a bunch of volunteers, put them to work

BC: One of them has been working

CW: We have a motion to table that takes precedence

Motion by Morales, second by Stephens to table.

“Yeas” Frisbie, Curl, Stephens, Hayes, Morales, Johnson and Wehba.  
“Nays” Pike and Wood.

Motion passed.

13. Acceptance of FY 2001-2002 Annual Audit from Crawford & Associates.

Councilman Pike questioned where the Sewer line maintenance fund was listed in the audit. The question was raised as to why the Council votes on the acceptance of the audit in January for a fiscal year that starts in July. Mr. Shumake stated it was a formality.

No action taken.

Councilman Curl stepped out at 10:56pm and back at 10:58pm.

14. Discussion and action state audit operational and financial audit. (Pike)

Councilman Pike said that he felt it was in the best interest of everyone for an operational and Financial Audit to be conducted by the state auditor to assure there were no discrepancies.

This item will be further discussed at the Budget meeting.

15. Discussion and action on appointment of an “Acting city clerk”.

Councilman Pike questioned why the city needed an Acting City Clerk when there was an Asst. City Clerk currently on staff. Mayor Wood stated that the Asst. would be retiring on January 31 and someone needed to have some training before she left. The Mayor asked the Council about an increase in pay for the added duties and it was decided the issue would be discussed at the Budget meeting.

Motion by Morales, second by Wehba to Appoint Pam Ramirez as Acting City Clerk.

“Yeas” Frisbie, Curl, Stephens, Hayes, Morales, Johnson, Wehba, Pike and Wood.  
“Nays” none.

Motion passed unanimously.

16. Discussion and action on Ordinance No. 947 An Ordinance of The City of Warr Acres, Oklahoma Municipal Code Amending Title 8, Chapter 8, Section 8.08.150 “COMMERCIAL USER FEES”; and By Providing For Repealer And Declaring an Emergency. (To revise sanitation ordinance)

Motion by Stephens, second by Curl to table.

“Yeas” Frisbie, Curl, Stephens, Hayes, Wehba and Wood.  
“Nays” Morales, Johnson and Pike.

Motion passed.

17. Discussion and action lowering the sanitation fees for Warr Acres residents. (Pike)

Motion by Pike, second by Curl to table.

“Yeas” Curl, Stephens, Hayes, Johnson, Wehba and Pike.

“Nays” Frisbie, Morales and Wood.

Motion passed.

18. Discussion and action to have City Engineer prepare bid specifications for replacement of sewer line at NW 72<sup>nd</sup> and Hammond and NW 50<sup>th</sup> and Meridian. (Pike)

Mr. Barrett stated the line at 72<sup>nd</sup> and Hammond had been videoed and there were 4 service lines there and 3 of them were obstructed. He said there were two ways to remedy the problem, one was to excavate each line, the second was to have the root growth cut off and line cleaned out. He stated the city would probably want to do this to insure the job was done correctly. Councilman Pike said the cost could be taken out of the Sewer line maintenance budget.

This item will be further discussed at the Budget meeting.

19. Discussion and action to join Oklahoma Municipal League’s Labor Relations Service program in the amount of \$550. \*\*\*\*

This item to be discussed at the Budget meeting.

21. Questions and Comments from Warr Acres City Councilman.

Councilman Morales questioned why a Sanitation driver was not receiving driver pay when he was placed in the position of driver before the salary freeze was passed.

Councilman Pike addressed the issues which were circulated around the city in a flyer by Jessie Simmons. He read the letter and stated that the information was erroneous.

Councilman Wehba asked for clarification on what party was responsible for the alley way at 39<sup>th</sup> and Ann Arbor. He would like the city to check into who owns it and if it has been vacated so that someone can have it repaired.

22. Discussion and action to review FY 2002-2003 Budget. (Pike)

This item to be discussed at the Budget meeting.

23. Discussion and action to transfer money from Garage capital outlay tire machine to Sanitation Department to purchase dumpsters. (Morales)

This item to be discussed at the Budget meeting.

Councilman Morales exited the meeting at 11:44pm and returned at 11:46pm.

24. Discussion and action on contract and negotiations with FOP Lodge #145 and the City of Warr Acres, including discussion and action on entering into Executive Session as



allowed under 25 O.S. Supp. 307 (B) (2), Discussing negotiations concerning employees and representatives of employee groups.

25. Consideration and possible action to enter into executive session for confidential communications with Counsel concerning pending overtime claim by Rob Carter as allowed under 25 O.S. Supp. 307 (B) (4). Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.
26. Discussion and action on current status of Workers Compensation cases of Brad Seale and Mark O'Connor, including entering into executive session as allowed under 25 O.S. Supp. 307 (B) (4). Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the Public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest. (Johnson)
27. Discussion and action on report from Anita Breen, including entering into executive session as allowed under 25 O.S. Supp. 307 (B) (4). Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest. (Pike)
28. Discussion and action on City of Warr Acres vs. I.A.F.F. and Ronald McCune, Oklahoma Supreme Case #97174, including entering into executive session as allowed under 25 O.S. Supp. 307 (B) (4). Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.

Items 24-28 were postponed until Monday, January 13, 2003 for a Special Meeting of the Warr Acres City Council.

29. New Business ("New Business" is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a ("surprise nature")).

There was no new business.

30. Adjournment

Mayor Wood adjourned the meeting at 11:48 P.M.

Respectfully submitted,

Pamela McDowell-Ramirez  
Acting City Clerk

MINUTES  
CITY OF WARR ACRES  
PUBLIC WORKS AUTHORITY MEETING  
JANUARY 7, 2003  
7:00 p.m.

1. Chairman Wood called the meeting to order at 11:49 p.m.

ROLL CALL

PRESENT

ABSENT

Chairman Chris Wood  
Trustee Justin Frisbie  
Trustee Barry Curl  
Trustee Garry Stephens  
Trustee Greg Hayes  
Trustee J.M. Morales  
Trustee Walter Johnson  
Trustee Bob Wehba  
Trustee Tommy Pike

1. Approve the minutes of the Regular Warr Acres Public Works Authority Meeting of December 3, 2002.

Motion by Pike, second by Frisbie to approve the Minutes of the Regular Warr Acres Public Works Authority Meeting of December 3, 2002.

“Yeas” Frisbie, Curl, Stephens, Hayes, Morales, Johnson, Wehba, Pike and Wood.  
“Nays” None.

Motion Passed Unanimously.

2. Approve payment of claim in the amount of \$59,566.36 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of December 2002.

Motion by Pike, second by Frisbie to approve the Minutes of the Regular Warr Acres Public Works Authority Meeting of December 3, 2002.

“Yeas” Frisbie, Curl, Stephens, Hayes, Morales, Johnson, Wehba, Pike and Wood.  
“Nays” None.

Motion Passed Unanimously.

4. Chairman Wood adjourned the meeting at 11:51 P.M.

Respectfully submitted,

Pamela McDowell-Ramirez  
Acting City Clerk